

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:02cv00416**

J.A. JONES CONSTRUCTION COMPANY)	
)	
Plaintiff and Counterclaim Defendant,)	
)	
v.)	
)	
AMERICAN PAN &ENGINEERING CO.,)	
INC.,)	
)	
Plaintiff and Counterclaim Plaintiff,)	ORDER SETTING HEARING ON
)	DISPOSITIVE MOTIONS,
v.)	PRETRIAL CONFERENCE, AND
)	TRIAL DATE
STARPORT, LLC, TRADE MART)	
ASSOCIATES, LTD, LIMITED)	
PARTNERSHIP, CITY OF CHARLOTTE,)	
FIREMAN’S FUND INSURANCE)	
COMPANY, AMERICAN HOME)	
ASSURANCE COMAPNY, and THE)	
INSURANCE COMPANY OF THE STATE)	
OF PENNSYLVANIA,)	
)	
Additional Counterclaim Defendants.)	
)	

THIS MATTER is before the Court, *sua sponte*, as to several scheduling matters in this case, including the deadlines for responding to the recently filed Motion to Amend Counterclaim by Fireman’s Fund Insurance Company (Doc. No. 99).

Pursuant to the latest scheduling order issued in this matter (Doc. No. 97), to which all parties consented, this matter is to be ripe for trial “as soon as possible after May 1, 2007.” Accordingly, the Court hereby places the parties on notice and instructs the Clerk to set the following on the Court’s calendars:


1. Hearing on all dispositive motions,¹ which is to be set for hearing on June 21, 2007, at 2:00 p.m.,
2. Pretrial conference,² which is to be set on July 16, 2007, at 9:00 a.m.; and
3. Trial, which is to commence with jury selection on or about July 23, 2007, with opening statements to begin immediately thereafter.


To the Court's knowledge, no attorney of record in this matter has requested secure leave for the above-referenced dates. Further, this case has been pending before this Court for over four years and is well overdue for resolution. Therefore, these dates are firm and will not be continued or extended absent extenuating circumstances. Accordingly, no further extensions of time shall be granted in this matter, including extensions of time to file dispositive motions, supporting memorandum, and/or responses and replies to the motions.

In light of the deadlines set forth in this Order, all responses and objections to Fireman's Fund's Motion for Leave to Amend Counterclaim (Doc. No. 99) are to be filed on or before Friday, March 30, 2007. The Court will promptly issue an order ruling on the motion.

IT IS SO ORDERED.

Signed: March 26, 2007


Frank D. Whitney
United States District Judge



¹As stated in the most recent consent scheduling order, all dispositive motions are to be filed on or before April 30, 2007. Memoranda of law in support of or in opposition to any dispositive motion shall not exceed six thousand (6,000) words, and reply memoranda shall not exceed two thousand (2,000) words. A copy of all exhibits upon which a party relies in support of or in opposition to a motion shall be included as an "Appendix" or "Attachment" thereto and filed with the Court. If a party's exhibits aggregate to 25 or more pages, a courtesy copy of the exhibits (bound, indexed, and tabbed for ease of reference) shall be mailed or hand-delivered to Chambers as soon as practicable after filing. Exhibits that are under seal should be included in the exhibit notebook but should be clearly distinguishable from the non-sealed exhibits (e.g., reproduced onto colored paper). The Chambers' address is: 195 Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, NC 28202.

²Immediately following entry of an order ruling on dispositive motions, the Court will enter a pretrial order setting forth specific requirements to guide the parties and counsel in preparing for the pretrial conference.